THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 11878 OF 2008

O R D E R:

The petitioner is working as Conductor in the Narsipatnam Depot of APSRTC. On 22.5.2008, he was put on duty between 5.00 to 12.00 hours, to issue tickets for Non-stop Services. It is stated that the computer system in the depot failed, and he issued tickets manually. An amount of Rs.16,251/-, collected towards Non-stop service tickets, was remitted. In addition to the said duty, the petitioner was assigned the duty to sell CAT cards, at the same time and in the same counter. An amount of Rs.860/- was collected towards sale of CAT cards, and it was kept in the Tray Box. The petitioner, however, forgot to remit this amount, and went home. After he recollected that the amount was not remitted, he came back to the depot and requested the Depot Manager, the 3rd respondent herein, to permit him to remit the amount. It is stated that the Tray Box was opened, in the presence of the Depot Manager and Security Guard, and it was found that the amount of Rs.860/- is very much in the box. For reasons best known to him, the 3rd respondent did not permit the petitioner to remit the amount at that time, and consequently, the amount was remitted on the next day. The 3rd respondent passed an order dated 26.5.2008, placing the petitioner under suspension, on the allegation that the petitioner failed to remit the amount of Rs.860/- on 22.5.2008. The same is challenged in this writ petition.

Heard Sri S.M. Subhan, learned counsel for the petitioner, and Sri K. Madhava Reddy, learned Standing Counsel for the respondents.

The facts mentioned above reveal that the basic duty of the

petitioner was to issue tickets for Non-stop Services. Though the computer system failed, the petitioner issued tickets manually and remitted a sum of Rs.16,251/-. In addition to the duty of issuing tickets for Non-stop services, the petitioner was asked to sell CAT cards. Naturally, the sale proceeds of CAT cards have to be kept separately. The petitioner, in fact, kept that amount separately in the box, obviously because his principal duty was to issue tickets for Non-stop Services. He concentrated upon his main duty. Having realized that the amount of Rs.860/- kept in the box was not remitted, he came back even at 10 P.M. on the same day to the depot. The record discloses that the box was opened in the presence of Depot Manager and Security Guard, and the amount was found in the box. The 3rd respondent did not permit the remittance of that amount, on that day. The only lapse attributed to the petitioner is that the amount of Rs.860/- was remitted, on the next day.

It was not even alleged that the petitioner took the amount with him. His attempts to remit the amount on the same day, did not fructify. Under these circumstances, this court is of the view that suspension of the petitioner from service is unwarranted.

Hence, the writ petition is allowed, and the impugned order is set aside. The 3rd respondent is directed to conclude the departmental proceedings initiated against the petitioner, within a period of three months, from the date of receipt of a copy of this order, uninfluenced by any of the observations made herein. There shall be no order as to costs.

12th June 2008

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